

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PRODUCTIVITY-QUALITY
SYSTEMS, INC.,

:

Plaintiff,

:

v.

CYBERMETRICS
CORPORATION,

:

Defendant.

Case No. 3:17-cv-369

JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #25);
OVERRULING DEFENDANT'S MOTION TO DISMISS PURSUANT TO
FED. R. CIV. P. 12(b)(6) OR, ALTERNATIVELY, TO DISMISS OR
TRANSFER PURSUANT TO FED. R. CIV. P. 12(b)(3) AND 28 U.S.C.
§ 1406 (DOC. #12); OVERRULING AS MOOT DEFENDANT'S
MOTION TO STAY DISCOVERY (DOC. #21)

Plaintiff, Productivity-Quality Systems, Inc., filed suit against Cybermetrics Corporation ("Cybermetrics"), alleging copyright infringement, misappropriation of trade secrets, and tortious interference with a contract. Doc. #1. Cybermetrics filed a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) or, Alternatively, to Dismiss or Transfer Pursuant to Fed. R. Civ. P. 12(b)(3) and 28 U.S.C. § 1406. Doc. #12. Cybermetrics also filed a Motion to Stay Discovery, Doc. #21, pending resolution of the Motion to Dismiss. Doc. #21.

On April 30, 2018, United States Magistrate Judge Sharon L. Ovington issued a very thorough Report and Recommendations, Doc. #25, recommending

that the Court overrule the Motion to Dismiss, and overrule as moot the Motion to Stay Discovery. Although the parties were notified of their right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections have been filed within the time allotted.

Based on the reasoning and citations of authority set forth by Magistrate Judge Ovington in her Report and Recommendations, Doc. #25, as well as upon a thorough *de novo* review of the Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety.

Cybermetrics' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) or, Alternatively, to Dismiss or Transfer Pursuant to Fed. R. Civ. P. 12(b)(3) and 28 U.S.C. § 1406, Doc. #12, is OVERRULED. Cybermetrics' motion to Stay Discovery, Doc. #21, is OVERRULED AS MOOT.

Date: May 15, 2018



WALTER H. RICE
UNITED STATES DISTRICT JUDGE